## REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-28 are pending in this case. Claims 10-28 are withdrawn.

In the outstanding Official Action, Claims 1-9 were rejected under 35 U.S.C. §112, second paragraph. Claims 1-9 were rejected under 35 U.S.C. §103(a) as unpatentable over Mochizuki et al. (U.S. Patent No. 6,913,860, herein "Mochizuki") in view of Uchiyama et al. (U.S. Patent No. 5,863,697, herein "Uchiyama"). Claims 1-9 were rejected under the judicially created doctrine of obviousness-type double patenting as unpatentable over Claims 29-33 of Mochizuki in view of Uchiyama.

Initially, applicants and applicants' representative thank Primary Examiner Goodrow for the interview held on October 20, 2005 to discuss the present case. During the interview, an exemplary definition of "releasing agent" at page 28 in the specification was discussed. Examiner Goodrow agreed that Claims 1-9 were definite in light of this disclosure, and thus agreed to withdraw the rejection of Claims 1-9 under as 35 U.S.C. §112, second paragraph.

With regard to the rejection of Claims 1-9 under 35 U.S.C. §112, second paragraph, that rejection is respectfully traversed.

As stated above, an exemplary definition of "releasing agent" is described in the specification, for example at page 28, lines 13-23. It is respectfully submitted that Claims 1-9 are definite in light of this exemplary definition of "releasing agent." Accordingly, Claims 1-9 are believed to be in compliance with all requirements under 35 U.S.C. §112, second paragraph.

With regard to the rejection of Claims 1-9 under 35 U.S.C. §103(a) as unpatentable over Mochizuki in view of Uchiyama, the rejection is respectfully traversed.

It is respectfully noted that Mochizuki qualifies as prior art under 35 U.S.C. §102(e) as the present application filing date predates the issue date of Mochizuki. Consequently, the obviousness rejection is deficient under 35 U.S.C. §103(c). Applicants submit that the present application and the Mochizuki reference were, at the time the invention was made, owned by, or subject to an obligation of assignment to Ricoh Company, Ltd. Accordingly, application of the Mochizuki reference in this obviousness rejection is improper.[1] Thus, it is respectfully submitted that the rejection is traversed as Mochizuki may not be applied as a basis for supporting a prima facie case of obviousness as outlined by 35 U.S.C. §103(c).

With regard to the non-statutory double patenting rejection of Claims 1-9 over Claims 29-33 of Mochizuki in view of Uchiyama, the rejection is respectfully traversed in light of the terminal disclaimer submitted herewith.

The filing of a terminal disclaimer to obviate a rejection based on non-statutory double patenting is not an admission of the propriety of the rejection. The "filing of a terminal disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither a presumption nor estoppel on the merits of the rejection." *Quad Environmental Technologies Corp. v. Union Sanitary District*, 946 F.2d 870, 20 USPQ2d 1392 (Fed. Cir. 1991). Accordingly, Applicants filing of the attached disclaimer is provided for facilitating a timely resolution to prosecution only, and should not be interpreted as an admission as to the merits of the obviated rejection.

[1] Applicant notes that the filing date of the present application is after November 29, 1999, therefore bringing the present application under the current guidelines for 35 U.S.C. §103(c) for excluding 102(e) art.

Accordingly, the outstanding rejections are traversed and the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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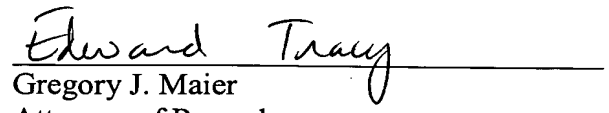

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